

A N

(161) [3.]

Exact Account
OF THE
T R I A L S
Of the several Persons
ARRAIGNED

At the

Sessions-house in the Old-Bailey

For

LONDON & MIDDLESEX.

Beginning on *Wednesday, Decemb. 11. 1678.*
and ending the 12th of the same Month.

Licensed, *Decemb. 18th. 1678. Roger L'Estrange.*

L O N D O N,

Printed by *G. Hills*, and are to be sold by
L. Curtiss in *Goat-Court* upon *Ludgate-hill. 1678.*

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LONDON & WINDYBLEN

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1. *How do you feel about the way the world is changing?*
 2. *What do you think is the most important thing we can do to make a difference?*

*At the General Sessions of the Peace,
Sessions of Oyer and Terminer, and Gaol-
Delivery of Newgate, holden for the City
of London and County of Middlesex, De-
cemb. 11th. Anno Regni Caroli Secundi Re-
gis 30. Annoque Dom. 1678.*



The Lord Mayor and three other Justices being
sate, two Commissions were read, one of
Oyer and Terminer, and the other of Gaol-
delivery of *Newgate*; and after that the usu-
al Proclamation for the attendance of those
who had any thing to do there was made:

The Jurors for *London*, that had been Im-
pannell'd and Summon'd, were called to appear, and the Defaulters
Recorded; and the like for the County of *Middlesex*.

The Clerk Arraigned some of the Prisoners on *London-side*,
whose Names and Offences were as followeth.

A R R A I G N M E N T S.

1. *Susan Bauster, alias Green*, indicted for stealing of Goods to
the value of 13 *l*. To the Indictment she pleaded Guilty. She
was one that had been Convicted before of Felony, and was to be
Transported; but as she was going, committed this Theft.

2. *Stephen Arrowsmith* Indicted, for that he, the 7th. of *July*
last, did ravish and abuse one *Elizabeth Hopkins*, an Infant, of the
age of eight years, against the form of the Statute in that case.
To the Indictment he pleaded Not Guilty, and put himself on the
Countrey.

3. *John Balsee* Indicted, for that he, the 3. *Decem.* 1678. at the
Parish of *St. Brumps Fink*, did steal a Silver Tankard of the value
of 5 *l*. from one *Thomas Browning*. He pleaded Not Guilty, and
put himself upon the Countrey.

4. *James Bateman* Indicted, for that he, the 25th. of *Novem.*
1678. did steal a Silver Tankard of 5 *l*. value, from one *Nicholas*

Jackson. He pleaded Not Guilty, and put himself on the Country.

5. *Hanna Menman* Indicted, for that she, the 12th Novemb. 1678. at the Parish of *St. Edmund the King in Lombard Street*, did steal from *Thomas Rutt* seventeen yards of *Venetian Silk*, of 7^l. value. She pleaded Not Guilty, and put her self upon the Country.

6. *William Shakesby* Indicted, for that he, the 4th of Novemb. 1678. at the Parish of *St. Sepulchres*, did steal and drive away five Bullocks, colour black, of the value each of them 5^l. and one Bullock colour Brindle, of 5^l. value, of the Goods of *William Lord Petre*. He confess'd himself Guilty of that and all other Offences within the benefit of Clergy.

Then the Clerk for *Middlesex* Arraigned Some of the Prisoners in that County, viz.

1. *Samuel Thompson* Indicted, for that he the 4th Novemb. 1678. did steal a Silver Cup, of the value of 20^s. from *Thomas Halshead*. He pleaded Not Guilty, and put himself upon the Country.

2. *Mary Read* Indicted, for that she, the 2nd Novemb. 1678. did steal a Gold Ring of the value of 7^s. from *Stephen Higgins*. She pleaded Not Guilty, and put her self upon the Country.

3. *Margaret Wood, alias Alexander*, Indicted, for that she the 7th Octob. 1678. did steal from one *Robert Lambert* a Silver Cup, of the value of 9^s. She pleaded Not Guilty, and put her self upon the Country.

4. *Mary Hopkins* and *Jane Baily* Indicted, for stealing some Linnen of 30^s. value, from *Thomas Burdakin*, 23 Nov. 1678. They both pleaded Not Guilty, and put themselves upon the Country.

5. *John Leak* of *White-chappel* Indicted, for that he the 16th Novemb. 1678. did steal two Pieces of Broad-cloth from one *William Mackham*, off the Tents in *Goodmans Fields*, &c. He pleaded Not Guilty, and put himself upon the Country.

6. *Thomas Napton* of *Shoreditch* Indicted, for that he, the 3^d Decemb. 1678. 40 yards of Broad-cloth, of the value of 16^s. per yard, did steal from one *Ralph Walford*; and 20 yards more from one *Antrebus*. To which he pleaded Not Guilty, and put himself upon the Country.

7. *Anne Mounsfel* of *Holborn* Indicted, for that she the 4th Nov. 1678. a Stuff Gown and Peticoat, and some Linnen of small value, did steal from *Mary Brasier*. To this she pleaded Not Guilty, and put her self upon the Country.

8. Mar-

8. *Margaret Smith* Indicted, for that she, the 17th. Octob. 1678. did steal six yards of Silk of a small value; two Silver Caudle Cups 3*l.* 10*s.* one Silver Salt-cellar 30*s.* one Silver Porringer 10*s.* four Silver Spoons 1*l.* 4*s.* a Livery Gown 3*l.* a Chamber Cloak 30*s.* and 15*l.* in Money, from one *Messinger*. She pleaded Not Guilty, and put her self on the Countrey.

9. *John Johnson* and *Thomas Johnson* Indicted, for taking away 950*l.* weight of Lead from off the Parish Church of *St. Mary*, being thereto fastned. To this Trespass they pleaded Not Guilty, and put themselves upon the Countrey.

Then the Grand Jury for *London*, coming in to bring in their Bills, were sworn anew, to enquire upon the New Commissions. Which being done, the Clerk for *London* Arraigned another Prisoner, *viz.*

10. *Joseph Brown*, for that he, the 16th. Novem. 1678. at *All-Hallows by the Wall*, 100 yards of black Worsted Crape, of the value of 8*l.* of the Goods of *Richard Croke*, did steal; which he confessed himself guilty of, and of all other offences within benefit of Clergy.

The Prisoners for *London* were called to the Bar to look to their Challenges, and the Petty-Jury were sworn, whose names follow: *Francois Kenton*, *James Lapley*, *William Hewel*, *Samuel Williams*, *William Salter*, *Richard Ketch*, *Nicholas Ridley*, *William Standen*, *Ralph Cook*, *William Whitwell*, *Joash Bauman*, and *Anthony Foster*.

These 12 being numbred, Proclamation in the usual form was made for Information against the Prisoners at the Bar, and for Prosecution from those, who by Recognizance were obliged to it: And those who were Impannelled for the Jury, but were not sworn, were dismissed.

Then the Jury were charged to enquire of *John Baltee*, upon the Indictment before mentioned, whether Guilty or Not Guilty of stealing the Tankard of *Thomas Browning*.

To prove the Charge, one *Elizabeth Web* gave this Evidence; That the Prisoner at the Bar brought the Tankard to her house, and told her, he would either Pawn it, or sell it: And being asked whose it was, he said, It was not his own, but a Gentlemans hard by, who had sent him with it to Pawn or Sell. She looking upon the Tankard, saw the Name of the Owner, and the Sign where he lived, engraven upon it, to whom she sent immediately to know

know whether he had given the Prisoner Order to Sell it or Pawn it: and kept the Prisoner till he came, which when he did, he owned the Tankard, but denied the Prisoner had it with his Consent, and so they carried him before the Justice.

Browning the Owner of the Tankard deposed that he was a Cook, living behind the *Exchange*, that the Prisoner, the third of *December* last, came in there with some other Persons to drink, and stole the Tankard, and confessed the Matter before Sir *William Turner*.

Sir *William Turner's* Clerk witnessed his Confession before Sir *William*, and that he said, he was a poor fellow and in distress, and so took it to relieve his Wants.

The Prisoner being asked what he could now say to it, denied that he took it out of the house; but said that a Man, whose name he could not tell, gave it him to pawn: he confessed his being at that House that day; but was innocent of Stealing the Tankard. But not being able to prove his affirmation, it was left to the Jury to give what Credit they would to them.

The next that was tried, was *Hannah Henman* for stealing Silk from *Mr. Ratty* a Mercer in *Lumbar'd-Street*.

The Witnesses were Neighbours, who deposed that the Prisoner with another Woman, went into *Mr. Ratty's* Shop, and there snatch'd up the Silk and went away. They followed them, and laying hold on the Prisoner, the other slipt from them and ran for it; but they found the Silk about her; upon which they carried her before the Magistrate, who Comitted her. She being asked what defence she could make, said the other Woman told her she had bought it, and gaye it her to carry away; but could not produce the Woman, nor would tell the Name. Whereupon the Judge directed the Jury to find it according to so plain an Evidence; but because the man had his Goods again, left the Value to their Consideration.

The Jury then without coming from the Bar, agreed of their Verdict, which they gave in thus.

That, *John Baltee* was guilty of the Felony he was indicted for. And

That *Hannah Henman* was guilty of the Felony she was indicted for; but they found the Value to be but 9s.

After which they were discharged, and to appear at Three a'clock in the afternoon, in their Gowns.

Then

Then the Prisoners of *Middlesex-side*, were called to the Bar, and bid to make their Challenges if they pleased. The Jury then were Sworn, whose Names were, *John Cane, James Sutton, James Harper, William Rider, William Hardy, Charles Pickering, William Thomson, Thomas Phelps, Stephen Lawrence, Thomas Cox, George Calcott, and John Bart.*

Proclamation for Information, and Prosecution being made as before, they went on to the Trials of the Prisoners. And the first was *Samuel Thomson*, indicted for stealing a Silver Cup from *Holstead*, and *Thomas Holstead* the Owner of the Cup gave this Testimony against him.

That there came a Boy and the Prisoner together, and were walking up and down the Street, and he sent the Boy into the Shop where no body was; the Boy takes the Cup which was in the Shop, and coming to the Door gives it to the Prisoner. And one that was coming by, seeing the Boy give the Man something, Cri'd out, upon which the Master of the House came forth, and being told what was done, run after them and took the Prisoner with the Cup, but the Boy was lost in a Crowd of Twenty Boys more. That the distance of the Place where he was taken, from the House whence the Cup was Stollen, was about twice the Length of the Court. That he did not carry the Cup openly, but hid it under his Coat.

To this, the Prisoner said, he was coming by there, and the Boy (whose name he could not tell, nor had he ever seen him before,) gave it him, saying he had taken it up by the Dust Cart, and that was all he could say for himself. Being asked what Profession he was of, he answered a Shoemaker. Upon which weak defence the Judge told the Jury, they were to consider of the Fact and the Value, the Party having his Cup again.

The next with whom the Jury was charged was

Mary Read, for *Mr. Higgins's Ring*, against whom *Stephen Higgins* deposed thus.

That the Prisoner had been a Customer to the Shop for near a Twelve Month, and used to come with a high Crownd Hat covered with an Oyl'd Case like a Country Market Woman, and would ask for Rings of just such a Value, and would have them no more nor no less. She said she lived at *Halloway*, and came almost every week to the Shop; but yet she never bought above two in all, she only would cheapen, and he lost a great many, which he believed she stole from him. The Saturday before this Ring was gone, she

came

came to buy a hollow Ring, which she had, and paid for, all but nine pence, and then he lost a Ring. Upon Thursday following when she came, having a suspicion of her, he resolved to lay wait for her. She came and asked for a Ring of such a Value: He reach'd down a Box, in which there were Rings upon every Pin, and laid it before her, she pitch'd upon one, which being weigh'd, she said was too heavy. He, to give her an Opportunity, turn'd his Back, and she took hold on it, and put one into her Bosom. When he turn'd about he presently mis'd the Ring, and affirming the Box was full, tax'd her with it; but she denied it, and offer'd to be Searched. A Gentlewoman who was by, and had seen her put it in her Bosom, told her so, and she offering to undress her Self, they carried her into the Kitchen, and there opening her Bosom the Ring drop'd upon the Bricks in the Floor. And he said it was the Fifth Ring she had Stole from him.

The Woman testified her seeing the Prisoner put her hand to her Bosom, and that she heard it fall upon the Bricks, but did not see it fall. The Value of the Ring was Sworn to be Seven Shillings.

The Prisoner with a great deal of whining denied the thing, and that it was but a Trick of the Goldsmiths to make her pay for Rings he had lost. But the Court told the Jury, the Witnesses Others were to outway her bare Allegations, and left the Matter to them, for the Value.

Then was tried *John Leake*, for the Cloth of *William Mackham*, stoln off the Tilters, against whom the Witnesses gave the Evidence.

Mackham Swore that he lost two and Twenty Yards of Cloth off his Tilters, part of which was found in the hands of *Susan Reynolds*, who said she had it from the Prisoner *Leake*, and other parts of it were found at the Dyers. He knew it to be his Cloth, and it was of a Popinjay Green Colour.

Susan Reynolds attested that he brought the Cloth to her, and desired her to lay it up for him till he called for it. That she knew him, because he had been with her Brother six or seven times at her house. That he told her he took up the Cloth to carry to Sea with him, and he found it in *Good-mans Fields*, he desired her to lay up part, which was found in her house, and so carry part off for him to the Dyers.

The Prisoner, who was a Lusty Fellow, and an able Seaman, said nothing, but that he found it, and being asked why he did not Cry it,

he said he did not understand the way of it, but could give no Evidence that he found it. Therefore it was left to the Jury.

Thomas Napton was the next Prisoner, who was indicted for stealing Cloth from *Walford*, and *Antbrobus*, against whom this was the proof.

Ralph Walford testified that the Prisoner was a Polisher of Looking-Glasses, and wrought and lodged in a place adjoining to the Room where their Cloth lay. One morning about five of the Clock he comes to *Walford's* house, and said that he had been Rob'd, that they had bound his feet with a Neckcloth, and his hands behind him with a Linen Stockin, and that after they were gone, he unloosed himself, and unbound his feet, and rising, look'd what Cloth was gone, and went to the other man *Antbrobus*, and brought him to see what was lost; and there were found missing 2 Cloths of *Walford's* worth 8 s. odd Money, and a long Merchants Cloth of *Antbrobus* worth 9 s. odd Money; that he let the Thieves in upon their knocking, thinking they had been the Persons belonging to the Warehouse; that he was not intrusted with the Custody of the Cloth, but permitting him to have a Key to it, and passage through it, they thought their Cloth securer for his lying there. That he would take a thousand Oaths, the Cloth was there that night. That he confessed he made no Outcry when he was before Sir *William Turner*.

Antbrobus swore he made such a like story to him, and said it was his weakness that he did not cry out; that his Wife was gone out that morning by Three a'clock to washing, as she was indeed, and that the Thieves came about Four, and he came to them about Five; That he said, he himself had lost nothing unless 3 or 4 s. of his Wives, and his Kettle, which Kettle he had lent to his own Son in Law, 2 days before.

The Son in Law to *Walford* speaks to the same effect, that he said they nubled him about the Head, and bid him go to bed, you old Dog, and then bound him; that being told by *Walford's* wife, it was more like to be Evenings Work to take away the Cloth, than Mornings, he reply'd, for ought he knew it might be so, for he was out in the Evening, but when he came in, he did not miss any of the Cloth, because he knew not what was there. And afterwards said, he blest be God he got no hurt, but they did beat their Pistols about his head; and before had said, he was almost killed. And the same Evidence the Woman gave. And upon these Circumstances, they suspected the Prisoner.

He denied the Felony, and told the story in Court himself; and being asked whether they could not have found Rope, or any more likely thing to bind him with, than the Stockin and Neckcloth, he said there was Rope enough, but it was not in the Room he lay in, but in the Warehouse: he confessed he said it might be the Evenings work, because he had been forth, and did not see what the Thieves carried away. That it was his weakness he did not pursue them, and for fear he durst not (though he could have done it) unbind himself till they were gone. That he appealed to the very Prosecutors, he had behaved himself honestly, wrought hard for his living, and was never taxed with the wronging any man of the worth of a Farthing. Which was acknowledged by the Witnesses.

Hereupon the Court left it to the Jury, whether upon these Circumstances the Prisoner was guilty or not.

Jane Baley, and *Mary Hipkins*, were next tried for stealing linnen from Mr. *Burdekin*.

Mr. *Burdekin* swore that he lost the goods out of his house where his Family is constantly in *Seacoal-Lane*. That his Maid could tell how.

She deposed, That she went out of her Masters house to fetch home a Child from School, and by a hole broken in the Window laid the key there, after she had locked the door; and she supposed the door was opened by some that took the key out of the window, for she found it open when she returned, and that it was about four or five in the evening: and her Mistress told her, the little Dog barking very much, made some that were above-stairs come down, who found the door open, but no body there; and about half an hour after they missed the things in the Indictment. That the reason of their accusing these Women was, because one of the Shirts was offered to be pawn'd by *Jane Baley* at *Cow-crofts*; and she being examined, said, she bought it of *Mary Hipkins*; whom also they took upon suspicion, but she would confess nothing to them.

Jane Baley the Prisoner said, That the other Prisoner *Hipkins* sold it her at a house called the *Two Brewers*, for 4s. and being afterwards in want of money, would have pawn'd it. She could not produce any person that see her buy it, but she brought one *Mary Burkes* to testify, that *Hipkins* had said to her in her hearing, If she did not like her bargain, she would give her the money again upon her complaint it was too dear. And upon other discourse,

Hipkins

supper also was heard by her to say, That had it not been for a whistling little Cur, she would have done her work better than she did.

All which the other Prisoner *Hipkins* denied, but had not the good hap to bring Evidence to disprove it, but had offered the Prosecutor a Bond for Composition. Upon which the Court left them both to the Jury.

Anne Mounjdel was the next, who was accused for stealing the Goods of *Mary Brasier*, and thus it was proved.

Mary Brasier testified, That the Prisoner was by her permitted to lodge in her Room for 6*d.* a week; and one day pretending to send her out of a false Errand, with a feigned Letter into the *Strand*, to a person whom she could never find, and in the mean time robb'd her of a Gown and some Linen, and had got them quite away, if the Landlady of the house in which they both lodged had not stopp'd her, and taken her.

Eleanor Hasket, the Landlady, related her part of the Story thus, That the Prisoner got her Daughter to write her a Letter, upon promise of a Reward: That the Child told her, She suspected the Prisoner was a Thief, and that she her self thought so too; and thereupon watched her, and saw her put on the Gown, after she had sent the Woman out, and was going away with the Linen in her Lap. She went after her, and fetch'd her back, though she ran from her twice, and had her before the Justice, who committed her.

The Prisoner denied the Letter, or that she sent her out on her Errand; and said, That the Woman had lent her the Gown, and the Linen she was to have mended. But against the Positive Oaths of two Witnesses, her bare word the Court thought not a sufficient Counter-proof; however they left it to the Jury.

The next was *Margaret Smith*, for robbing one *Messenger* of some Sarsnet, and Plate, and Goods, to a very great value, and Money. *Messenger*, the Party robb'd, deposed, That she lodged in his house, and in the time of *Southwark-Fair* last desired him, and his Wife and Kinswoman, to go with her to the Fair, where she would make them merry, and left her Maid at home; who when they were all gone, got the Apprentice to go for a Peck of Oysters, and in the mean time stole away the other things, all but the Silk. When they came home again, she asked for her Maid; and being told she was not within, she cried out, I pray God I be not robbed; and so going to look, they found they were indeed

robbed, and so she pretended she was too. The next morning she would have gone out, but the Kinswoman would not let her go alone, because she had some jealousy of her; and so went with her up and down where she pretended to go see for her Maid, and to see among the Brokers Shops for the Goods: At last, when she was in a House at *Houndsditch*, she slipped from her, and was not seen, till a Friend of hers coming to *Messingers* house, undertook to find her out, and met with her. She led them another dance, by pretending to go and receive money, which she would fain have been permitted to do alone; but the Kinswoman telling her, she would not leave her, she continued with them, and brought them to a Pewterers shop, where being sat down to drink, the young Woman pull'd off her shoe to ease her foot, and the Prisoner took advantage of it, and ran away; but being overtaken, was committed to Prison. And as to the Silk, she had it on now at her Trial, which was left at the time of the Robbery.

The Prisoner denied any hand in the Robbery, and said, that she run away, because being not very rich, she was afraid of a Prison, which they threatened her with. That for the Silk, she did think it had been a Piece she had sent by her Maid to be Died, but could not prove it; nay had, after she came from the Fair, acknowledged to the Kinswoman, it was none of hers, but the Maids.

The Court examined her about her Quality and Estate. She said, She had a Brother, a Gentleman in the Countrey, allowed her 20*l.* a year, with which, and working to the *Exchange*, making *Mounteer Caps*, she maintained her self. But the Court asking her about her acquaintance with one *John Spittle*, now in *Newgate* for Felony, she could give no good account of it, which rendred them suspicious of her. However, not finding any thing sufficient to prove her guilty of the Robbery, except as Accessory, they so directed the Jury, and that as to the Silk, of which there was manifest proof, they should consider the value, being Dy'd Silk.

With the Charge of these Prisoners the Jury went out, and had an Officer sworn to keep them.

Then the Clerk for *London* Arraigned another Prisoner.

The Clerk for *Middlesex* Arraigned these following.

Edward Preston of *Hamwel* Indicted, for that he, the 6*th.* of *Octob.* 1678. did steal a Mare, colour black, of the price of 3*l.* from one *Edward Mullet*; to which he pleaded Not Guilty, and put himself upon the Countrey.

Anne

Anne Harris Indicted, for that she, the 17th. Septemb. 1678, did steal Goods of 10s. value from *John Jones*. She pleaded Not Guilty, and put her self upon the Countrey.

Richard Symel and *Margaret Hutton* Indicted; he, for that, the 2^d. of August 1678. he did steal from *Elizabeth Horner* Goods to the value of 10l. and she as Accessory. Both pleaded Not Guilty, and put themselves upon the Countrey.

Then the *Middlesex* Jury return'd, and being agreed of their Verdict, the Fore-man gave it in thus:

That *Samuel Thompson* was guilty of the Felony, but the Goods were but to the value of 10d.

That *Mary Read* was guilty, but the Goods were but of the value of 10d.

That *John Leak* is guilty of stealing the Cloth off the Tents.

That *Thomas Napten* is not guilty of stealing the Cloth of *Mackham* and *Anthrobis*, nor did she for it.

That *Jane Bailey* is not guilty, nor did she for it.

That *Mary Hopkins* is guilty of the Felony, but the Goods were but of the value of 10d.

That *Anne Mounsfel* is guilty of the Felony whereof she was Indicted.

That *Margaret Smith* is guilty of stealing the piece of Silk, which was but of the value of 10d. as to the rest not guilty; whereupon the Court ordered an Indictment to be drawn up against her, as Accessory to the other Felony, of which there was strong suspicion.

The Verdict being Recorded, the Court Adjourned till 3 a Clock in the Afternoon.

Fest Merid. eodem Die.

After Proclamation for attendance, the *London* Jury were called, and the Prisoners to their Challenges; which being none, the Jury were sworn as before: And Proclamation for information and Prosecution being made, they were charged to enquire of these Prisoners. First,

One *White*, of the *Towre-Ward*, was Indicted for Burglary; and acquitted.

The next that was tried was *James Jackson*, for stealing the Tankard from *Nicholas Jackson*, who deposed thus:

That he did believe that to be the man who came into his house, and called for a Tankard of Ale and a Toste, which when he had eaten,

eaten and drank up, he called for another; which while I went to draw, the Prisoner clapt down a Pewter Tankard instead of the Silver, and goes away. That he was a Victualler, at the Sign of the *Cheeshire-Cheese* in *Thames-street*. That he went to sell it to a Gold-smith, who upon examination found that it was his.

Which the Gold-smith attested. But the Prisoner denied that ever he was in his house; and said, That he had bought the Tankard five years ago, of one whom he did not know by name, nor could find, in the *Minories*. The Owner swore it was his Tankard, and that he was in his house that day. And the Court left it as a plain case to the Jury.

The third they were charged with, was *Stephen Arrowsmith* for the Rape committed on *Elizabeth Hopkins*. To prove which, a Girl of between 9 and 10 years of Age, gave this Testimony without being Sworn.

That she saw in a Room, the Prisoner lying a top of the little Girl, but what they did she knew not, but the Girls Petticoats were up, nor did she cry out.

The Girl that was ravished, being between 8 and 9, testified that he had had to do with her for half a year together every Sunday, that she was hindred from crying the first time, by his stopping her mouth, and that he gave her money afterwards; and she never discovered it, till some of her friends observing her to go as if she were very sore, examined her, and by telling her she would be in danger of hanging in Hell, got her to confess, that the Prisoner was her fathers Prentice.

One Mrs. *Cowel* did testify that upon observing her going, and other Circumstances, she did resolve to examine her, and made her confess, which she did, and being searched, was found shamefully abused, and sent to the Doctors to cure.

The like was attested by one Mrs. *Sherwin*, and by a Midwife, who said, she had got a very foul disease by it.

The Prisoner with a great many tears denied the Fact, and desired some Witnesses might be called. Among whom there was a maid that lived at the Doctors where the Girl was for Cure, who testified that the Girl upon Taxing her, why she did conceal it, said, she took Pleasure in it, and that upon Examination there were no Symptomes on the Prisoner, as the Doctor said, of any such disease as the Girl had, which was indeed the Pox; which was also attested by one Mrs. *Rawlins*: and the Prisoner protesting his

Innocence, alledged that they offered a Composition.

All which notwithstanding, the Court with great detestation and abhorrence of so Horrid and Vile an Offence, told him the Matter was so plain against him, that he must have as great impudence to deny it, as he had wickedness to Commit it; that her consent would not save him, for the Statute provides, that a Child under 10 years of age, should not be abused with, or without her Consent. That the First Violence whereby he stop'd her Crying, made the Rape, had it been a Woman above 10; that if the Parents were so wicked, as to offer a Composition, yet that made not him innocent.

The Jury not seeming satisfied with the Evidence, the Lord Chief Justice *Scroggs* and others were of opinion, that the Girl that was Ravished, might give in her Testimony upon Oath; but it was forbore for the present, and left to the Jury. Who were sent together to consider of their Charge, with an Officer sworn to keep them according to Law.

In the mean time, the Clerk for *Middlesex* arraigned *Mary Hutchins of Fulham*, indicted for that she, the 3^d. of *Octob.* 1678, did steal some Plate and Linen, from one, to which she pleaded not guilty, and putteth her self upon the Country.

Elisabeth Gates for stealing a Cup of 14 s. Value from one *Dennis King*, the 14 of *Novem.* 1678. She pleads not guilty, and put her self upon the Country.

After a considerable space of time the Jury returned, and having answered to their Names as called, agreed that the Foreman should speak for them, and gave in this Verdict.

That *James Jackson* was guilty of stealing *Nicholas Jackson's* Tankard. And they offered this further.

That *Stephen Arrowsmith* was not guilty of the Rape: which Verdict Mr. Recorder, not conceiving it to be according to their Evidence, would not take from them without further deliberation, and labour'd to satisfy them of the Manifestness of the Proof. One of the Jury being an Apothecary, said it was his opinion, that a Child of those years could not be Ravished. Which the Court told him was to Elude the Statute, that having provided a Punishment, had done it in vain, if there were no offence, and so he did tax the Wisdom of a whole Parliament; Which ought not to be. Others of the Jury, because the Girls were not sworn, doubted of the sufficiency of their Testimony, and they had nothing but
hear say

hearsay from the other Witnesses. But the Court told them, in regard such Offenders never call others to be by while they commit such actions, they could expect no other Testimony than from the Party injured, which they had, and with it of an eye Witness, both whom they forbore to Swear, because of the tenderness of their Age; but if they insisted upon it, they should be Sworn.

Upon this the Jury went out again, and while they were deliberating, information was given to the Court, that they had the two Children with them, which was against the Law. Whereupon the Officer appointed to keep them, was sent for, and it being sworn against him, that he had admitted them in, he was sent to *Newgate*, though he alledged another Officer brought them to him as from the Court, but that Officer swore the contrary, and therefore the other was detained in Custody. The Jury being sent for about this matter, when they came, said, they sent not for the Children, nor desired to have them: and the Court to give further satisfaction, swore the Children, having examined them, whether they understood the nature of an Oath, and the danger of Perjury, which they gave a Rational account of. And the Jury went away again.

That *Stephen Arrowsmith* was guilty of the Rape, and they were discharged till the next morning at Ten of the clock: it being late, the Court was Adjourned till Seven.

Wednesday the 12. of Dec. 1678. Nine of the Clock.

Proclamation was first made for Attendance.

Then the Clerk of *Middlesex* called for *John Worsley*, who was indicted for seducing the Kings Subjects from their Obedience, and from the Protestant Religion. But when he was brought up, the Court thought fit to defer his Arraignment and Trial till the next week.

He then Arraigned

Nathaniel Russell and *John Watson*, indicted, for that he the said *Russell*, 18. Nov. 1678. did voluntarily, and of malice forethought, with a Rapier give to *William Midley* a mortal wound on his Breast, of which he died, and that the said *Watson* was by, aiding, abetting, comforting, and maintaining. To which indictment *both* pleaded not Guilty, and put themselves upon the Countrey.

Then the Prisoners were called to their challenges, and the *Middlesex* Jury sworn; the usual Proclamation made, and the Prisoners thus charged upon them in Order.

Mary Hutchins indicted for stealing a Silver Cup and Linen, against whom the Evidence was,

That she was a Servant in the Persons house about a week, from whom the Cup was stolen. That she being gone one morning out of the house, they missed several things. She being suspected for them, and that she was run away, Pursuit was made after her by a young man, who overtook her, and found the things about her; that he charged a Constable with her, and had all the things again.

The Prisoner could not deny her taking the Particulars, but the Owner having them again, the Value was left to the Jury.

Edward Preston, indicted for stealing a Mare from *Edward Mullet*.

Mullet himself deposed, that the Prisoner was his Servant, and took the Mare out of his Ground, and carried her to *Tame*, and there sold her for 30s. and about 3 Weeks since he was taken.

The Person that took him, deposed, that he confessed the taking of the Mare out of the Ground, and selling her.

The Prisoner said he took the Mare, to go for a Dragoon, that when he came to *Tame*, the Troop he thought to go in, was gone; and he being ashamed to carry the Mare back again, and in his distress for money, sold her, but the man had the Mare again. Upon which confession the Court left it to the Jury.

Elisabeth Gates was tried for stealing a Silver Cup, of 14s Value, from one *Dennise King*.

Who deposed, that she had confessed the Stealing to her, and that a little Girl had seen her in the house that day, but she went away, and on *Thursday* after was seen, and known by the Girl, Apprehended upon Suspicion, and before the Justice confessed it.

The Prisoner did not deny being at the Womans house, but now denied the taking of the Cup from thence, and that ever she confessed it. Upon which the Jury were directed to consider of the Evidence, and the Value.

Then *Richard Symell* Indicted for stealing the goods of *Elisabeth Horner*, and *Margaret Hufen*, as accessory, after were tried.

Broccas a Constable, deposed, that he took him, and before the Justice he confessed he took the things out of a Trunk and Box, and sold them to the Prisoner *Hutton*, in whose house we found them.

Symel the Prisoner, for himself said, He indeed did take them, but he thought they had been his Wives, for they were in her Lodging, who was then newly come from Service ; and he thought he might make bold with them, being hers, and sold them to the other Prisoners.

Hutton confessed she bought them of the other man, but denied that she knew them to be stolen Goods, or used to be such ; that he told her they were his own, and not his Wives.

Anne Harris was the next, who was Indicted for stealing the Goods of *John Jones*.

Against whom *Jane Harris*, the Wife of *John Harris*, swore, that she lost Goods of a considerable value, and that the Prisoner was taken in *Southwark* selling part of them.

The Woman to whom she offered them to sale attested it, and that she told her she had bought them.

The Prisoner herself saith, she bought them of a man, but his name she could not tell, nor where he lived. So the Court left her to the Jury.

One Wood was Indicted for stealing a Silver Cup of 9s. value, of *Robert Lambert*, and was acquitted.

Thomas and *John Johnson* Indicted for the unlawful taking the Lead off from *Stepney-Church* ; the Evidence was this :

Knight, a Head-borough, was with his Watch going the round, saw a Ladder standing on the side of the Church, and enquiring of the Clerk and the Sexton whether it were there by their Order, found it was not ; and therefore taking away the Ladder, got up another way to the top of the Leads. But at the side of the wall, they found three parcels of Lead rolled up, and which was thrown down. When they came up, they found these two men there ; being asked what they did there at that time, all they would answer, was, It was their fortune to be there. But going onward, they found some more parcels of Lead, which they acknowledged they had cut up with a knife ; the whole was about 950l. weight, but none was removed away. They said the Ladder was theirs, which was afterwards found to be another mans, and not lent by him neither.

The Prisoners said ; They heard a noise on the top of the Church, and went up to see what was the matter ; but before they could get down, the Watch had taken away the Ladder : and they denied the taking

taking away of the Lead. The Court left it to the Jury upon the Evidence.

Nathaniel Ruffel and *John Watson* Indicted, for the murder of *William Midgley*, against whom it was thus proved :

Dorothy Midgley, Sister to the Person slain, deposed, that *Watson*, who was a Bailiff, came with *Ruffel* to arrest her for a debt of 3*l*. which she owed an Aunt of hers. And coming into the room, her Brother stood before, and was stabb'd by one of them immediately ; that she thinks it was *Ruffel* stabb'd him : That he lived till *Thursday*, and then died ; and that he gave them no ill language.

Elizabeth Symmonds, who was then in the Room, testified, That the Boy did not give them any provocation ; That he had a piece of a Curtain Rod, which she did not see him lift up against them.

Rebecca Niccols, who also was by, swore, That *Watson*, when he came in, run him down into a Chair, and the other run him through. That *Ruffel* came in with his Sword drawn, and they were heard from without to swear, they would kill any one that opposed them. *Stephens*, a Chirurgeon, proved, that he died of the wound.

Ruffel the Prisoner, in his defence, said, That the Plaintiff in the Action calling them up stairs, told them, they must look to themselves, for there was a Young man intended to kill them. That upon their coming in, the Young man made at them with a bright thing, like a Spit or a Sword ; and in his own defence, he retreating back, doth not know how the Boy was wounded.

Watson for himself said, That being ordered by the Plaintiff to Arrest *Dorothy Midgley*, when he came to the door, he heard the Boy say, I will run my Spit in some of your guts ; but putting him aside, he Arrested his Prisoner, and heard somebody cry out, I am killed ; upon which he run to him, and opening his breast, there he found a great wound, and gave him some Brandy to drink, and covered him with a warm Napkin. That the Defendant *Midgley* came to him, and cut him over the face with a Pot, and asked him what he said there for, he had been the death of her Mother and her Brother. That about five years ago he had arrested her Mother, and she died in Execution ; but he denied any hand in this Murder.

The Plaintiff in the Action said, She did employ *Watson*, to Arrest *Dorothy Midgley*, and that he went straight forward to her, her Brother being by ; and that a Fellow came in and wounded the

Boy, and run out again before he could cry out he was wounded: but who he was she knew not; but she did not see nor hear the Boy make resistance, or give any provocation. That it was onely a piece of a Curtain Rod the Boy had in his hand, but neither struck stroke with it, nor run at them.

Then the Writ and Warrant to justifie the Arrest were read, whereby upon the Return it was found, that they had returned a Rescous by the Party that was killed, which the Court told *Watson* was a great Evidence against him. Whereupon directing the Jury, they were told, that there being no provocation, the Law implied the malice to make it murder. But how far the persons accused were guilty, was left to them to consider upon the Evidence.

Then the Jury withdrew to consider of their Charge.

The Clerk for *London* Arraigned these Prisoners.

William Lucas Indicted, for that he, *Decem.* 2. last, did steal a Tankard of 6*l.* value; confessed the Indictment, and himself to be guilty of that offence, and all within Clergy.

John Macarty, for stealing the same Tankard, pleaded Not Guilty, and put himself upon the Countrey.

George Clesheroe Indicted, for stealing some Linen from one *John Delavrier*, he pleaded Not Guilty, and put himself upon the Countrey.

Ralph Leech Indicted, for that he, the 9*th.* of *Octob.* 1678. did steal from *Henry Wood* nine pair of Silk Stockings. He pleaded Not Guilty, and put himself upon the Countrey.

A Lieutenant and some Soldiers were Indicted for misdemeanor committed by them, in endeavouring in a riotous manner to take away a Prisoner, the 16*th.* of *November* last, out of the Custody of one *Newton*, a Serjeant in *London*. They all confess'd themselves guilty of the offence, and submitted to the Mercy of the Court.

Whereupon Mr. *Lane*, Comptroller of the Chamber of *London*, being of Counsel for the King, opened the Cause, to give the Court satisfaction in the matter: That one *Sparks* being Arrested by *Newton*, told the Officer, he ought not to be Arrested, because he was a Soldier. The Officer told him, he had some reason to doubt it, because he had not on the Kings Cloathing; but he should have the liberty to send to such of his Officers as he thought fit. Upon which he sent a Porter to the Serjeant of the Company of Granadiers, who not being met with, the Note was delivered to the Lieutenant; which when he had read, with great Passion and

and Swearing he demands to know the Officers name, and cursing himself, said, If he could meet with him, he would cut off his ears. He then gets his Company together, acquaints them with the business, leaves the main body of the Company in *Cheapside*, over against *Woodstreet*, selects a dozen out of them, and coming down *Woodstreet* with Muskets, and Daggers in them, and with Oathes and Arms would have stormed the *Counter*, demanding the Prisoner. It was with great difficulty that they persuaded him he was not in the *Counter*, but in a House near by. Thither he goes cursing and swearing he would pull the House down, fire the House, and make that Rogue the Officer an Example for daring to Arrest a Soldier. The Serjeant told him, Sir, I am not thoroughly satisfied he is a Soldier, and desired to see the Muster-Roll: But he would not vouchsafe to let him have that favour; take him away he would, and did, in triumph to the Offenders, and to the terror of all Civil Justice. The Lord Mayor and Court of Aldermen being acquainted with the matter, order Mr. Recorder and the two Sheriffs to wait on the Lord General the Duke of *Monmouth*, to let him know the whole business, and to desire him to deliver up the Offenders to be punished. His Grace did immediately concur to it; and having Casheer'd them from the King's Service, hath sent them hither, where, said he, we hope they will be satisfi'd now, as we are all well assured that, by the blessing of God, and the care and courage of our Magistrates, Soldiers, though they may and ought to assist, yet they shall never be permitted to be Arbiters and Comptrollers of Publick Justice.

The Lieutenant would have excused and palliated the matter; but the Council having *Affidavits*, and *Viva voce* to prove his Accusation, and it having been examined before the Lord Mayor and Court of Aldermen, they were committed to the Gaol in order to their Judgment.

Then the Jury for *Middlesex* returned with their Verdict, which the Foreman gave in thus:

That *Mary Hutchins* is guilty, but the Goods were but to the value of 10*d*.

That *Edward Preston* is guilty of stealing the Mare.

That *Elizabeth Gates* is not guilty.

That *Richard Symel* is guilty, but the Goods were but to the value of 10*d*. Whereupon *Margaret Hutton*, indicted as Accessory, was discharged.

That

That *Anne Harris* is Guilty, but the goods were but to the Value of 10s.

That *Margaret Wood* is not guilty of the Felony, &c. And

That *Thomas* and *John Johnson*, are guilty of the Trespass, in taking away the Lead from *Stepney Church*.

That *Nathaniel Russell*, is guilty of Murder, in killing *William Midgley*. And

That *John Watson* is not guilty of that Felony, and Murder.

An Officer of the Court, gave information upon Oath, that a Souldier leaning over the *Bail Dock* waspoken to come down, but refusing, was pulled by him, whereupon he laid his hand to his Sword, and swore if he had him out, he would kill him: upon which information, the Court committed him to the Goal.

The Clerk for *London* called the Prisoners to their Challenges, Swore the Jury, and made Proclamation for Information and Prosecution, in usual Form. The first Prisoner tried was,

Ralph Leech, Indicted for stealing the Silk Stockins to the Value of 4*l.* 10*s.* Against whom, one

Summer deposed, that he knew the Prisoner very well, and that the first of *Octo.* last, he saw him steal from *Mr. Woods Shop* 9 Pair of Silk Stockins. That he is a Workman to the Shop, as he is to other Hosiers Shops; where coming in a morning betimes, he had Opportunity to look over the Silk Stockins, and sometimes would buy. That this day looking over two Boards of Hose, he would now and then put a pair in his Breeches, till he had put in 9 Pair. Another Person being by, he desired him to go for a Constable. Then the Prisoner offering to go away, he stay'd him, and asked him how many Pair he had bought, he answered, None. But, said he, I must speak with you *Mr. Leech*, and having him up stairs, told him he had something more then was his own, he was in such haste to be gone, and urging him with it, he did desire him to be mercifull to him, or his Wife and Children were ruined, and pull'd out the Stockins 9 Pair in all, which when he was carried before Sir *John Frederick*, were produced against him, and he confessed it, saying, The Devil owed him a Shame.

The other Witness affirmed the same, and had seen something before, which he did not like, but durst not venture upon him, because he was a great man in the Trade; and would have ruin'd him.

The Prisoner who was an old Man, with a very gray head, by Trade a Silk Stockin Trimmer, and of a plentiful Fortune, had nothing to say for himself, but that he took them for money they owed him, which poor excuse was not accepted by the Court, but they directed the Jury to find him Guilty, upon so plain an Evidence.

Then *Richard Bradshaw* was Indicted for High Treason, in clipping the Kings Coyn. To prove which, one

Broutbwayt, a Linnen Draper in *Newgate* Street, gave Evidence, that the Prisoner was his Apprentice, and that he heard he had given a neighbours boy, one *John Jolliffe*, some pieces of Silver, which being brought to me, he did acknowledge he had clipped them with a pair of Scissors, that were in Court. That he did use to trust him, with receiving, and paying Money for him, but never knew any all of him, nor found much clipped money among his Cash. That he had taken him Apprentice without money.

Another Witness swore that he confessed it before Sir *William Turner*. And a Goldsmiths Boy shew'd some Ingots, which he had from that *Jolliffe*, who said he had them from the Prisoner, but he was not to be found.

The Prisoner now had nothing to say for himself, but that he had the Silver from that *Jolliffe*. Upon which he was left to the Jury.

The next was *John Mearns*, for stealing a Silver Tankard, out of a house behind the Exchange.

The Boy of the House testified that he, with *William Lucas*, who confessed the Felony, came to his Masters house, who is a Cook; and while the Boy went down for a Pot of drink they called for, they strep'd into the Kitchen where the Tankard was, and taking it thence, away they went, before he came up again. That the Tankard was there before he went down to draw the drink. That they came in friendly together, and went both away. That they had the Tankard again by means of a Woman, with whom *Lucas* left it to keep till he came out of Prison, where he was, being taken that night by the Watch.

The Woman testified the delivery of it by *Lucas*, but she saw not the other Man.

The Prisoner, for himself, said he was pushed and jostled by the other man *Lucas*, whom he had never seen before in his life, and that upon their Fighting, the other invited him to drink, and
when

when the Boy was gone down to draw the drink, *Lucas* went into the Kitchen, and came out again, and called him out to go away with him, which he did, having no business there. The credit of which story, upon the Boys positive Testimony, was left to the Jury.

Then *Hannah Downes* was tried, for stealing 4*l.* in money, from *Thomas Goddard* in the *Vintry*. The Evidence was,

That she being a poor Girl, was by them taken up, and upon recommendation, by a Letter from a Quaker, entertained in the house where she lived about two Months, and then was bound Apprentice to the Woman: that the man leaving of his Britches, in which was the Key of the Ware-house, where the money was, she had taken it, and taken away about 4*l.* at several times; as she confessed that she run away to *Rockester*, and there was taken, and before the Justice confessed the thing.

The Prisoner said, she run away because they abused her, and beat her, and pinched her in her Victuals, but denied she stole any Money, or that she did confess it. Which was submitted to the Jury.

The next was *George Hunt*, for stealing Brass Buckles, and some small things. But it appeared upon the Evidence, a Prosecution out of Malice, because of an Action of slander, by the Prisoner commenced against the Prosecutor. And there being no colour for the Accusation, the Court directed the Jury to find the Prisoner not Guilty.

The last for *London* was *George Clethoroe*, Indicted for stealing the goods of *John Delavier*.

One *Burbeck* deposed, that about six of the clock in the Evening, the Prisoner came into the house, and going out, he saw him; and asked him what he did there; but received no answer. That he cried stop Thief, and upon that Outcry he ran, but was overtaken. That the Linnen which he is Indicted for, was taken out of the house, and dropt 4 or 5 houses from that house.

Another man Witnessed, that upon the cry of Stop Thief, he made towards the Prisoner, who to save himself, cry'd Stop Thief too, and when the Witness came up to him, Struck him; but he was Apprehended, notwithstanding his resistance. And one that saw the Linnen in that place, and took it up, attested it.

The Prisoner denied being in the house, and said, that he was pursuing one that came out thence: but the first man affirmed positively that he was there, and that his Wife three days after

his Commitment came to entreat him not to prosecute him.

The Jury, after a short recess, did give in this Verdict of the Prisoners under their charge.

That *Ralph Leech* was guilty of the Felony he was Indicted for.

That *Nicholas Bradshaw* was guilty of High-Treason.

That *John Mackarty* was guilty of stealing the Tankard.

That *Hannah Downs* was guilty of the Felony to the value of 9s.

That *George Hunt* was not guilty of the Felony he stands Indicted for: And the Court taking notice of the malicious prosecution, gave him leave to take a Copy of the Indictment.

That *George Cleshero* was guilty, but the Goods were but to the value of 10d.

Then the Court Adjourned till 3 of the Clock in the afternoon.

Post Meridiem eodem die.

Proclamation of Attendance being made, the Lord Chief Baron called for the *Granadiers*, who were in custody, and told Mr. *Recorder*, That he being, by the custom of the Court,, to give Sentence upon Offenders there, the Judges did give him their advice, That the Peace of the Kingdom was so nearly concerned in this Cause, that it deserved an exemplary Punishment; and the lowest Fine they would counsel him to set, was 200*l.* upon the Lieutenant, 50*l.* upon the Serjeant, and 20*l.* a piece upon the Common Soldiers. Which was by Mr. *Recorder* Sentenced accordingly, with this Reproof.

YOU that are the Prisoners at the Bar, the Court and the Government are sensible of the great affront by you put upon the Authority of the Nation in general, and this City in particular, and what danger you might have brought your selves into: For you gave such a Provocation, at such a time, within the very heart of the City of *London*, that might have proved the occasion not onely of bloodshed to others, but utter ruine to your selves. The Court, I say, and the Government, and your own General being sensible of this, and satisfi'd of your Guilt, have brought you hither,

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where

where being under the Power of Justice, you ought to receive the Sentence of Justice for your great Offence ; and because your Crime is great, such must be your Judgment. For though you are Soldiers, Gentlemen, and ought to have all due encouragement, yet you must not think, by the Authority of your Arms, to control the Authority of the Civil Magistrate. And because the Lieutenant should have known better his duty, and taught it to them under his care, his Fine must be the greatest, because his Knowledge was, or should have been so, and deserves the highest resentment. The Serjeant, who should have also known better, must receive a Punishment according to his Degree. And the Common Soldiers, though under their Command, yet being great Offenders, must receive an exemplary Punishment. And I do in the name of the Court, and the Court doth Order, That the Lieutenant pay for a Fine 200*l.* the Serjeant for his Fine 50*l.* and each Common Soldier 20*l.* to the King ; and that they be Committed till they pay these several Fines.

Then the Clerk for *Middlesex* Arraigned

Thomazine Davies, alias *Sparks*, alias *Bailey*, Indicted, for that she, the 8*th.* of *Decemb.* 1678. an Indian Gown, and other things, to the value of 4*l.* and 18*s.* of money, did steal from *Lewis Gaftring*. To which she pleaded Not guilty, and put her self upon the Country.

William Baker Indicted, for having two Wives, against the form of the Statute. Pleaded Guilty.

Judith Smith Indicted, for that she, the 29*th.* of *Octob.* did steal some Linen of a small value from *John Smith*. She pleaded Not guilty, and put her self upon the Country.

James Furner of *White-chappel* Indicted, for that he, the 12*th.* of *Novemb.* 1678. did steal a *Mare*, colour brown, from one

He pleaded Not guilty, and put himself upon the Country.

James

James Smith Indicted, for that he, the last of *Octob.* 1678. did steal three Hogs, colour white, of the value of, every one of them 35*s.* from *Leonard Sanders*. He pleaded Not guilty, and put himself upon the Countrey.

William Brayn Indicted, for that he, the 6*th.* of *Septemb.* 1678. did steal one Gelding, colour brown, from *Ambros Galloway*. He pleaded Not guilty, and put himself upon the Countrey.

Matthew Momford Indicted, for that he, the 23*d.* of *Novemb.* 1678. being a Soldier in the Company of *John Drew Esq.* a Captain in the Service of the King, there was a certain discourse had between him and one *Thomas Topping*, and one *James Sanders*, concerning our Sovereign Lord the King, and the Religion in the Kingdom established; he the said *Matthew Momford* said he was a Papist: Upon which the said *Topping* and *Sanders* told him, he was not fit to be a Soldier then in the Kings Service. He repli'd, I hope to see you all burn'd, and to be at the burning of you. To this Indictment for a Contempt and Misdemeanor he pleaded Not guilty, and put himself upon the Countrey.

Then the Prisoners were called to look to their Challenges, the Jury sworn, and Proclamation being made for Information and Prosecution, as before, they were charged to enquire, First, of *William Brayn*, for stealing a Gelding from *Ambros Galloway*; against whom

One testifi'd his knowledge, that it was *Ambros Galloways* Horse; and another, that he bought it of the Prisoner. But *Ambros* himself, being a Quaker, would not, for Conscience-sake, as he said, swear, and so could give no testimony about his losing him. Upon which the Court directed the Jury to find the Prisoner Not guilty for want of Evidence, and committed the Quaker, as a concealer of Felony, for refusing an Oath to Witness for the King.

Thomazine Davies, for stealing an *Indian Gown* and other goods, to the value of 4*l.* and 18*s.* in Money, from *Lewis Gasting*.

Mary Gasting, the Wife of *Lewis*, swore, That going out to a Neighbours house, she then lost those goods, and found them with the Prisoner at the Bar; that the things were in several Boxes and Trunks, but none broken open.

Walter Turner deposed, That on *Sunday 8*th.* Decemb.* 1678. in the afternoon, walking in the Alley where this house was, he did see the Prisoner pass by him with an Apron full of things; and

that Mrs. *Gastring* coming out, and complaining of her loss, he told her what he had seen, and overtaking the Prisoner, upon pursuit these things were found with her.

The Prisoner said that another woman, with whom she was drinking a pot of drink, gave them her, and desired her to carry them for her to such a place; which she was going to do with the things in her Apron, but not telling the womans name, nor producing any Witness to prove it, the Court left it to the Jury.

Then *Judith Smith* was tried, for stealing the Goods of *John Smith*. Against whom,

John Smith, deposed that he had lost the Goods, in the Indictment, that she confessed the selling of some part to the Brokers, and named many particulars, that he could not say, they were taken all at one time, but being his Servant, she had opportunity to convey them away as she pleased, and that he did not miss them, till a fortnight after the time she confessed of taking them.

The Prisoner for her self only said, that her Master charged her with more than she had. Upon which confession of part, and the things being taken at several times, and not all, the day laid in the Indictment, The Court left the value to the Jury.

James Turner for a Mare, colour Brown. Upon whose trial, it appearing that he had been *Auterfoits* acquit, the Jury were discharged of him.

James Smith was next, for stealing three white Hogs from *Leonard Sanders*, who deposed,

That he, the last of *October*, i. e. *Allbolland Eye*, lost two great Hogs, and a little one, worth 5*l*. that he pursued them by the Track, but at last lost his intelligence.

Another Witness swore, that he met the Prisoner *Smith* in the morning of that day, when he said, he was going to buy Calves, and after, met him driving three Hogs, a little one, and two great ones, which he said he drove for another, not for himself. *Sanders* not seeing the Hogs in *Smiths* possession, nor the other Witness not minding them, could tell the marks, and therefore the Court asked the Prisoner, whose Hogs they were that he drove that day, he denied he ever had any, or saw any. Which Evidence being uncertain as to the particulars charged, the Court left to the discretion of the Jury.

Matthew Momford, for his contempt and misdemeanor, in speaking the Words

One of the Witnesses swore, that the Prisoner being at his house to drink, upon some discourse said, he had been a Papist seven years: then said he, you are not fit to stand Sentinel where the King passeth, for you may kill him as he goes by you. Then in a fume he replied, I hope to see you burned, and be at the Burning of you.

The other said, that *Momford* said he was a *Staffordshire* man: then said the other, you must be a Papist, for all the *Momfords* in *Staffordshire* are Papists, he replied so was he. Then you are not fit to be a Souldier; he in a passion cri'd out, he hoped to see us all burnt, and be at the burning of us. They both said he was in drink, with which the Prisoner would have excused the matter, but the Court told him it was no excuse, but an aggravation. And left him to the Jury.

The last was *John Spittle*, for stealing the goods of *Humphrey Wych*. Against whom

Wych gave Evidence that he lost such goods as are charged in the Indictment, and found them in the Custody of the Prisoner, and that the value was 7s. And one *Bayley* deposed, that being a neighbour of Mr. *Wych*, and sitting in his Shop, he saw two Women and a Man, standing at *Wych* his door, first one woman went in, then both, and went away, and the man went in, and coming out with something under his Coat, he went and follow'd him, telling him what he had was not his own, and called to the man of the house, who coming out owned the things.

The Prisoner said he found them at the door, but the Constable upon his Oath testifi'd that he confessed at his taking, that he had them out of the Drawer. The Court left it to the Jury, who after a little recess being agreed of their Verdict concerning these Prisoners, brought it in thus.

That *Thomazine Davies*, is guilty to the value of 10d.

That *Judith Smith*, is guilty to the value of 10d.

That *William Brayne*, is not guilty.

That *James Smith*, is not guilty.

That *Matthew Momford*, is guilty.

That *John Spittle*, is guilty to the value of 8s.

The Petit Juries for *London* and *Middlesex* were discharged.

Then the Court proceeded to Judgment upon the Prisoners, according their Convictions.

Those to whom the benefit of Clergy, as Men; and the punishment of Branding, as Women, was allowed, were.

Joseph

Joseph Brown,	{	William Lucas,	{	In all 8. in London.
William Shakesby,		John Macarty,		
John Balzer,		Hannah Kinman, &c		
Thomas Jackson,		Hannah Downes,		

In *Middlesex*.
William Baker, and Anne Mounsfell.

Ralph Leech for respect to his age, the Court took time to consider after a very severe check, and having craved the benefit of his Clergy.

John Spittle, who desired transportation, was set aside for it.

John Paine, who had confessed himself guilty of Felony upon his Arraignment, for marrying a second Wife, the first being alive, did desire the benefit of his Majesties late Gracious Act of Pardon. Which the Court upon perusal of the Act thought fit to grant him, but told him that he ought to make a recompence to the parties injured, which were both his Wives, for *Pana potest dirimi, culpa perennis erit.*

The Persons t' d up by the Executioner for judgment of Death, were these Six.

Susan Banster, for stealing goods of 13*l.* value, and who had been sentenced to be transported before.

Stephen Arrowsmith, for a Rape committed upon *Elizabeth Hopkin*, an Infant of 8 years of Age.

Nicholas Bradshaw, for high Treason, in clipping the Coyn of this Kingdom.

John Leak, for stealing Cloth off of the Tenters, contrary to the Statute in that case provided.

Edward Preston, for stealing of a Mare. Which by Statute also is deprived of benefit of Clergy. And,

Nataniel Russell, for the Murder of *William Midgley*.

These Persons being severally called to the Bar, and told of their Convictions, were demanded of, what they could say to arrest the judgment of Death: they could alledge nothing, and therefore

Proclamation being made for Silence, while judgment was in giving, the Recorder spoke to them thus.

You

YOU that are the Prisoners at the Bar have been severally Indicted of several Offences, and upon your Trials, you have had the benefit of the best of Laws, because you have had the liberty of making your defence to the several Accusations whereof you have been accused. You have been fully heard, and by Persons of known integrity, who have been Triers of the Fact, and Countrey-men of your own, sworn to do you Right; you have been Convicted of the several Offences wherewith you stand Charged, and nothing remains, save onely for the Court to do that Duty which the Law requires of them, to give Judgment upon those Verdicts by which you stand Convicted.

This is a Duty incumbent on the Court, though a sad one; and I must confess, I cannot but be much troubled to see Youth arrived to that height of Debauchery, notwithstanding the frequent Examples that are found in this Place. So that I must say, and I tremble to think I am obliged to say, That the frequent Examples of this Place seem rather to be Examples to some to out-do the Villanies that are punished here, than to deter them from the commission of them.

When I see some among you there, that now seem mighty full of grief, and sense of the deplorable condition you have brought your selves into; who have had Mercy shewn them here, and yet continue to offend so gracious a King; when nothing will work upon you, but you will persist in so vile an habit of wickedness; it seems to me, that absolutely necessary Judgment be speedily executed upon you, there being so small hopes of Reformation. I speak this to let the World know, Mercy is not to be shewn to such, as after forgiveness sin yet worse.

And

And in as much as you have received fair and full Trials, upon which you have been Convicted, you have by your own vile carriages forfeited that Life, which you might else have happily enjoyed ; and shorten'd that, which by your own industry you might have preserv'd and lengthen'd, to the comfort of your selves and Friends, and the good of your Generation. And now it remains onely for you to take care of that little, very little time that is left you, to improve it to the utmost, for the advantage of your immortal Souls. For having by your great wickedness and publick affronts to the Justice of the Nation forfeited your lives, it will be needful for you to employ the minute of breathing time to prepare for Eternity. For though the Law do inflict the punishment of death on you here, you have God in Heaven, and a blessed Saviour and Redeemer, to whom, upon Confession and Repentance, you may with hopes apply your selves for mercy in the World to come.

And it will be the duty of every good Christian, not onely to take care, that being warned by your Examples, they avoid the mischiefs you have run into, but also to joyn their Prayers, and all the assistance they can contribute, to the saving of your Souls, who by your Crimes have thus destroyed your Bodies.

Some of your Offences are of a more vile, more black, and more dangerous nature than others ; one of you stands Convicted of that most horrid Crime, *Murder*, blood which cries out to Almighty God for vengeance ; Murder, I cannot but say, without any provocation ; which is not onely an offence against the Law of God, but even against Nature, for one man to destroy another without a provocation. If there were no such thing as a God in Heaven, or Justice upon Earth, Nature it self teacheth a man not to be barbarous to his own likeness.

There-

Therefore it will become thee to use all the tears thou canst shed, to wash away the blood thou hast spilt, and that will not be enough to take off thy guilt; for nothing but the precious blood of our dear and blessed Lord and Saviour, the Lord Jesus Christ, can save a man that is guilty of so great and horrible a wickedness as shedding innocent blood.

And for the rest, their offences have been such, as by the Law are to be punished with death. It will become you to betake your selves to Repentance; and I expect it from him whose proper business it is, that he give you all the assistance he can to promote so good a work, by helping you to spend your little time well, in order to a happy Eternity. This I have spoken in charity to your Souls. I do therefore in the name of the Court pronounce this Judgment upon you all, save onely the Youth that is convicted for clipping the Kings Coin, *That you shall go from hence to the place from whence you came, and from thence to the place of Execution, where you shall severally be hanged by your necks till you be dead; and Jehovah the Lord of Heaven and Earth have mercy upon your Souls.*

*Then he applied himself to the Young Man
for Treason, thus :*

YOU the Prisoner at the Bar, have likewise been Arraigned and Tried for an Offence, that by the Law is made High Treason, the Clipping of the Kings Coin. I am sorry, heartily sorry, and very much lament to see a Youth, in whom there seems to be so much modesty, far from persuading any one to believe, that any manner of Villany should lurk underneath so promising and so good a Face, come under the guilt of

so great an Offence. But the truth of it is, the Apprentices of *London* have got such a Trade of abusing their Masters by Clipping, and such tricks, which they are encouraged to by a pack of Goldsmiths Men, who are fit for their purpose, that if some of them be not made Examples, it will be the ruine of many. It is a disease that will run through the whole Flock. And I am sorry to see you the first sad lamentable instance of that Justice, which must pass against Offenders of that kind, whose modesty should have prevail'd upon you, not onely to look like a vertuous Boy, but so to have acted.

But in as much as thou hast offended the Law, it will become thee also, if thou hast offended thy Master or any body else, to make them what reparation thou canst, by making confession of the offence, and discovering the Parties that were concerned with thee, whoever they are. For there can be no better means for Salvation in the next World, nor hopes of Mercy in this World, than by confessing thy Crimes, and telling the Accomplices, and 'tis my advice, Tell all thou knowest. But I must declare the Judgment of the Law, which is this, and the Court doth award it,

That you are to go from hence to the place from whence you came, and from thence be drawn on a Hurdle to the place of Execution, where you shall be hanged by the neck till you be dead, and the Lord have mercy upon your Soul.

Then *Susan Banster* being asked what she could say in delay of Execution, she desired to be Transported.

Then the Prisoners Convict for Petty Larceny, who were these, *George Cletberoe, Samuel Thompson, Mary Read, Mary Hipkins, Margaret Smith, Mary Hutchins, Richard Symell, Thomazine Davies, Judith Smith, and Anne Harris*, in all, Ten: whose Sentence was delivered thus:

YOU the Prisoners at the Bar, I have observed in the time that I have attended here, that your Pick-pockets, Shop-lifters, and you other Artists, which I am not so well acquainted with, which fill up this place, throng it most with Women, and generally such as she there, *Mary Hipkins*, with whom no admonitions will prevail. They are such, whose happiness is placed in being thought able to teach others to be cunning in their wickedness, and their Pride is to be thought more sly than the rest: A parcel of Sluts, who make it their continual study to know how far they may steal, and yet save their necks from the Halter, and are as perfect in that, as if they had never been doing any thing else. But take notice of it, you that will take no warning, I pass my word for it, if e'er I catch you here again, I will take care you shall not easily escape.

And the rest of those Women, that have the impudence to smoke Tobacco, and gussle in Ale-houses; pretend to buy Hoods and Scarfs, onely to have an opportunity to steal them, turning Thieves to maintain your luxury and pride: So far shall you be from any hope of mercy, if we meet with you here for the future, that you shall be sure to have the very rigour of the Law inflicted on you. And I charge him that puts the Sentence in Execution, to do it effectually, and particularly to take care of *Mrs. Hipkins*, scourge her soundly; and the other Woman that us'd to steal Gold Rings in a Countrey Dress; and since they may have a mind to it this cold weather, let them be well heated.

Your Sentence is this, *That you be carried from hence to the place from whence you came, and from thence be dragg'd tild to a Carts-tail through the streets, your*

Bodies being stript from the Girdle upwards, and be Whipt till your Bodies bleed.

John Leak, who was found guilty of stealing Cloth. off the Tenters, and received Sentence of death for it, according to the Act in that case, which also gives the Court power to Transport the Party, if they see fit, was by the Court Reprieved in order to Transportation, being an able Sea-man, and one that had done the King good service at Sea.

The Prisoners Fined for Trespas and Misdemeanor, were *Matthew Momford*, *Thomas Johnson*, and *John Johnson*.

To *Matthew Momford*, who was the Soldier that had spoken such bad words, Mr. Recorder gave this Admonition:

YOU the Prisoner at the Bar, see now the great Inconvenience that comes upon the debauchery of some People; you that seem to have no Religion in the World but when you are drunk. But you must not think, drunk or sober, to revile the Protestant Religion, and go unpunished for it. Let the times be thought never so dangerous, yet I hope it will be always seen, that the Magistrates of this City and Kingdom dare tell all Mankind, They do and will own the Protestant Religion, and dare curb the proudest He, who shall presume to transgress our Laws, or offer to reproach our Religion. And all the Priests and Jesuits they have shall never blow up any man to that height of Impudence, as to dare do any thing in contempt of the Government, or affront to our Religion, but we will be sure to take down his pride, and make him know that he shall be subject to Justice. And so shall you find, who when you were drunk, could brag you were a Papist, and hoped to see Protestants burnt. You are an excellent man no doubt at a Faggot. Your contempt is very great,

great, and the Court is very sensible of it; and that all the World may take notice how sensible they are, and of their resolution, that such Offenders shall not go unpunished; and that you may see, it shall not be a sufficient excuse to say, You were drunk when you did it, and pretend to repent of it now you are sober, and to turn Protestant again, We do think fit to lay a Fine of 100*l.* upon you, and commit you in Execution till such time as you pay it; and upon your Enlargement, you are to find Sureties for the Good Behaviour for seven years.

To *Thomas and John Johnson*, who stole the Lead off the top of *Stepney-Church*, he spoke thus:

YOU are Brethren in iniquity, *Simeon and Levi*. I find you are not Church-men the right way. But you are mightily beholding to the Constable, so much, that I think you ought to own it to him as long as you live; for if he had given you but half an hours time longer, you had been in a fair way to have been hanged. Your zeal for Religion is so great, as to carry you to the top of the Church. It is but a Trespass, it is true, but I assure you one of the rankest that ever I heard of, it is Cozen-German to Felony. If that be your way of going to Church, it is fit you should be taken notice of. Are you not ashamed to have offered at the commission of such an offence, in a Place whereto, if you were men that had any regard to a future state, you would pay a great reverence, because good men meet there to pray against such offences, not to commit them, as you did. The offence being so great, and the Trespass so rank, the Punishment must bear some proportion

portion to it, which is this, *The Court doth set a Fine upon you of 20l. apiece, and commit you till you pay it to the Common Gaol of Newgate; and you are to find Sureties for the Good Behaviour before you be discharged.*

The Calling over the Gaol was left till the end of the Sessions. Then the Court was adjourned till *Tuesday* morning next, being Decemb. 17. at seven of the clock.

F I N I S.
